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10/666,035	09/22/2003	Stanley A. Kim	SAK002/003	6568

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EXAMINER	
COLILLA, DANIEL JAMES	
ART UNIT	PAPER NUMBER
2854	

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/666,035	KIM, STANLEY A.	
	Examiner	Art Unit	
	Dan Colilla	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-12 and 14-20* is/are rejected.

7)☒ Claim(s) *3 and 13* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 12 and 18 are objected to because of the following informalities:

Claim 12 inappropriately depends from itself. For purposes of applying prior art, claim 12 will be interpreted as depending from claim 11.

Claim 18 depends on claim 1, therefore "the wrist supports" has no antecedent basis in the claims. It appears that applicant intends this claim to depend from claim 11. It will be interpreted in this manner for purposed of applying prior art.

Appropriate correction is required.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 6,452,791 in view of Toizono et al. (JP 06289969).

Claim 3 of U.S. Patent No. 6,452,791 recites all that is recited in claim 1 of the present application except for the wrist support being attached to the top panel of the notebook computer. However, Toizono et al. teaches a notebook computer with a wrist support 4a or 4d attached to the top panel of a computer body 1 as shown in Figures 3 and 5 of Toizono et al. It would have been obvious to combine the teaching of Toizono et al. with the notebook computer disclosed by claim 3 of U.S. Patent No. 6,452,791 for the advantage of locating the wrist support in the most likely position that a user will need to support his or her wrists.

4. Claim 3 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. 6,452,791 in view of Toizono et al. (JP 06289969).

Claim 5 of U.S. Patent No. 6,452,791 in view of Toizono et al. recites all that is recited in claim 3 of the present application.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-2, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raasch (US 6,262,716) in view of Tominaga (JP 09204246).

With respect to claims 1 and 6, Raasch discloses the claimed notebook computer except that the size of the flat surface of the wrist support is unknown to the examiner. Raasch discloses a notebook computer with a wrist support 206 (Raasch, col. 5, lines 12-14), a computer body 102, a top panel 218, a keyboard 116, and a pointing device 118 as shown in Figures 1 and 2A of Raasch. The wrist support 206 is located on the top panel 218 and has a base that is a flat surface 208 as shown in Figure 2A of Raasch. Figure 2A also shows a means 210,216 for attaching the wrist support 206 to the top panel 218. In col. 5, lines 20-22, Raasch discloses that the upper surface of the wrist support may be formed of a compressible material such as foam. Tominaga teaches a keyboard with a wrist support with a flat surface that is 4-5 inches in width and 9-12 inches in length which is a surface area of 36 in^2 - 60 in^2. It would have been obvious to combine the teaching of Tominaga with the notebook computer disclosed by Raasch for the advantage of a more ergonomic arrangement of keys on a keyboard that is more comfortable to use. Additionally , it has been held that a mere change in size of an apparatus does not patentably distinguish from the prior art.

With respect to claim 2, Raasch discloses a video display 110. In col. 3, lines 12-17, Raasch discloses that the computer is reversible between a closed position in which the lid portion 106 and the body portion 104 may be folded together and an open position as shown in Figure 1. In order for the operation of closing the computer to be functional, the wrist support 206 must be sufficiently compressible since it is on the top of the body portion 104 against which the lid portion 106 is folded.

With respect to claim 8, Raasch only discloses the compressible material such as foam as part of the wrist support.

7. Claims 1, 4-5, 11-12, 14-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toizono et al. (JP 06289969) in view of Tominaga (JP 09204246).

With respect to claims 1 and 4, Toizono et al. discloses the claimed notebook computer except that the size of the flat surface of the wrist support is unknown to the examiner. Toizono et al. discloses a notebook computer with a wrist support 4a, a computer body 1, a top panel as shown in Figures 1 and 5, a keyboard 2, and a pointing device 3 shown in Figure 1 of Toizono et al. The wrist support 4a is located on the top panel and has a base that is a flat surface as shown in Figure 5 of Toizono et al. Further disclosed is an adhesive 5 for attaching the wrist support 4a to the top panel (see paragraphs [0011]-[0012] of the machine translation of Toizono et al.). Toizono et al. also discloses that the wrist support 4a may be made out of a compressible material such as felt (paragraph [0011] of the machine translation). Tominaga teaches a keyboard with a wrist support with a flat surface that is 4-5 inches in width and 9-12 inches in length which is a surface area of 36 in^2 - 60 in^2. It would have been obvious to combine the teaching of Tominaga with the notebook computer disclosed by Toizono et al for the advantage of a more ergonomic arrangement of keys on a keyboard that is more comfortable to use. Additionally , it has been held that a mere change in size of an apparatus does not patentably distinguish from the prior art.

With respect to claim 5, Figure 3 shows that the adhesive 5 is attached to a bottom part of the wrist support.

With respect to claim 11, Toizono et al. discloses the claimed notebook computer as mentioned above in the rejection of claim 1, except for the second wrist support. Tominaga

teaches two wrist supports 14 used with a keyboard. It would have been obvious to combine the teaching of Tominaga with the notebook computer disclosed by Toizono et al. for the advantage of only providing wrist supports in the two areas where the users wrists will be thus reducing the amount of wrist support material needed and therefore reducing costs. Additionally, it has been held that, the provision of a plurality of an identical structure for performing the same function without any unexpected results does not patentably distinguish over the prior art.

With respect to claim 12, Toizono et al. discloses a video display that is hinged to the computer body 1 as shown in Figure 1 of Toizono et al. so that it can fold between an open position and a closed position. The wrist supports must be made out of a sufficiently compressible material so that this function of the computer can be carried out.

With respect to claim 14, Toizono et al. discloses that it is known to attach a wrist support to a top panel using an adhesive 5 (see paragraphs [0011]-[0012] of the machine translation of Toizono et al.).

With respect to claim 15, Figure 3 of Toizono et al. shows that the adhesive 5 is attached to a bottom part of the wrist support.

With respect to claim 16, Toizono et al. teaches that it is known to use a compressible material such as felt to make a wrist support 4a (paragraph [0011] of the machine translation).

With respect to claim 18, Toizono et al. teaches that wrist rests may be made out of felt or flexible plastics or rubber. No combination of materials is disclosed.

8. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raasch (US 6,262,716) in view of Tominaga (JP 09204246) as applied to claims 1-2, 6 and 8 above, and further in view of Smith et al. (US 5,628,483).

With respect to claims 7 and 9, Raasch in view of Tominaga discloses the claimed notebook computer except for the synthetic sponge. However, Smith et al. teaches that it is known to use sponge has a wrist support (Smith et al., col. 4, lines 65-67 and col. 5, lines 1-7). Although Smith et al. does not specify "synthetic" sponge, synthetic sponge and natural sponge are mechanical equivalents of one another that provide the same function. Furthermore, it would have been obvious to use synthetic sponge over natural sponge because it is more readily available, cheaper and can more easily be formed into a desired shape. It would have been obvious to combine the teaching of Smith et al. with the notebook computer disclosed by Raasch in view of Tominaga for the advantage of the sponge material which is firm enough to provide proper support for the hands, yet is supple enough to be comfortable (Smith et al., col. 4, lines 65-67 and col. 5, line 1).

9. Claims 10, 17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toizono et al. (JP 06289969) in view of Tominaga (JP 09204246), as applied to claims 1, 4-5, 11-12, 14-16 and 18 above and further in view of Smith et al.

With respect to claims 10, 17 and 19-20, Toizono et al. in view of Tominaga discloses the claimed notebook computer except for the synthetic sponge. However, Smith et al. teaches that it is known to use sponge has a wrist support (Smith et al., col. 4, lines 65-67 and col. 5, lines 1-7). Although Smith et al. does not specify "synthetic" sponge, synthetic sponge and natural

sponge are mechanical equivalents of one another that provide the same function. Furthermore, it would have been obvious to use synthetic sponge over natural sponge because it is more readily available, cheaper and can more easily be formed into a desired shape. It would have been obvious to combine the teaching of Smith et al. with the notebook computer disclosed by Toizono et al. in view of Tominaga for the advantage of the sponge material which is firm enough to provide proper support for the hands, yet is supple enough to be comfortable (Smith et al., col. 4, lines 65-67 and col. 5, line 1). Toizono et al. discloses adhesive as mentioned above in the prior art rejection of claims 1

Allowable Subject Matter

10. Claims 3 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

Claims 3 and 13 have been indicated as containing allowable subject matter primarily for the hook and loop type connector.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Odakawa and Suzuki et al. are cited to show other examples of a keyboard with a single wrist support. Nakatsugawa and Matsushita are cited to show other examples of a keyboard with more than one wrist support.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Colilla whose telephone number is (571)272-2157. The examiner can normally be reached Mon.-Thur. between 7:30 am and 6:00 pm. Faxes regarding this application can be sent to (703)872 - 9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached at (571)272-2168. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 22, 2004

Daniel J. Colilla
Primary Examiner
Art Unit 2854